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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,316	06/26/2003	Hong Wang	42P16547	8010

8791 7590 03/09/2006

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EXAMINER

TREAT, WILLIAM M

ART UNIT PAPER NUMBER

2181

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/608,316	WANG ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	William M. Treat	2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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1. Claims 1-30 are presented for examination.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 8 and 16 recite the limitation "the prediction" in lines 3 and 4. There is insufficient antecedent basis for this limitation in the claim. Claim 1, from which claim 8 depends, and claim 9, from which claim 16 depends, contain no prediction.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 6-7, 9-11, 14-15, are 17-19 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Park (Patent No. 6,988,190).

6. Note in relation to applicants' claims to "converting at least some of the instructions in a stream into ISA-implementation specific instructions", Park taught a decoded instruction trace cache which would have all of its instructions as ISA-implementation specific instructions (col. 4, lines 3-6).

7. Claims 1-2, 6-10, 14-18, 20-22, and 25-29 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Ramirez et al. (Fetching Instruction Streams).

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8. The examiner would suggest applicants read Section 2.2, at a minimum, before responding.

9. Claims 1-2, 6-10, 14-18, 20-22, and 25-29 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Nair et al. (Exploiting Instruction Level Parallelism in Processors by Caching Scheduled Groups).

10. Claims 1-2, 4-10, 12-18, 20-22, and 24-29 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Nair (Patent No. 6,304,962).

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 3, 11, 19, 23, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nair (Patent No. 6,304,962).

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14. In relation to applicants' claims to having a start instruction pointer and end instruction pointer (claims 3, 11, 19, 23, and 30) which depend from applicants' claims 1-2, 9-10, 17-18, 20-22, and 27-29, Nair taught the functional equivalent which is a start instruction pointer and length field which when combined yield the end instruction pointer (col. 4, lines 31-51).

15. The examiner was surprised to find that applicants first three independent claims and most of their other two independent claims as well as much of the balance of applicants' dependent claims were directed to the basic concepts of instruction traces and trace cache design which long preceded applicants' filing. Were the concepts not so well-known the examiner might have spent more time on explaining the prior art.

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

17. Peleg et al. (Patent No. 5,381,533).

18. Rotenberg et al. (A Trace Cache...).

19. Hank et al. (Superblock Formation...).

20. Patel et al. (Critical Issues...).

21. Lee et al. (On Augmenting Trace Cache...).

22. Rotenberg et al. (Trace Cache: A Low Latency...).

23. Jacobson et al. (Path-Based...).

24. Rakvic et al. (Completion Time...).

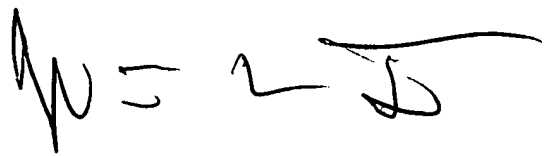
25. Any inquiry concerning this communication should be directed to William M.

Treat at telephone number (571) 272-4175. The examiner works at home on

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Wednesdays but may normally be reached on Wednesdays by leaving a voice message using his office phone number. The examiner also works a flexible schedule but may normally be reached in the afternoon and evening on three of the four remaining weekdays.

26. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'W = 25' with a stylized flourish at the end.

**WILLIAM M. TREAT  
PRIMARY EXAMINER**